

Message Text

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ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 PM-05 DODE-00 SS-15 CIAE-00
INR-07 NSAE-00 EB-08 AID-05 IGA-02 /056 R

DRAFTED BY L/PM:TABOREK:JD
APPROVED BY NEA/PAB;JCOON
PM/SAS;RSLOTT NEA/PAB;DARCHARD
-----125811 290200Z /64
R 282149Z NOV 77
FM SECSTATE WASHDC
TO AMEMBASSY KABUL

C O N F I D E N T I A L STATE 283626

E.O. 11652: GDS

TAGS: MASS, PFOR, AF

SUBJECT:IMPLEMENTATION OF NEW STATUTORY CONDITION OF
ELIGIBILITY FOR MILITARY ASSISTANCE AND TRAINING

REF; KABUL 6386

1. WE HAVE REVIEWED PROPOSED AFGHAN TEXT (REFTEL) OF
EXCHANGE OF NOTES ON ABOVE SUBJECT WITH COL. EDGAR, WHO
HAS BEEN OF GREAT ASSISTANCE IN EXPLAINING MOTIVATIONS
BEHIND AFGHAN DRAFT. ON BASIS OF THIS REVIEW WE BELIEVE
AFGHAN TEXT, AS MODIFIED PER PARA. 2 BELOW, PROVIDES
ACCEPTABLE BASIS FOR EXCHANGE OF NOTES.

2. FOLLOWING ARE OUR REVISIONS TO AFGHAN TEXT, KEYED
TO PARA. 3 REFTEL, AND BRIEF EXPLANATIONS THEREFOR:
(INTRODUCTORY CLAUSE) INTENT AND MEANING OF AFGHAN TEXT
NOT ENTIRELY CLEAR. IF, AS IT APPEARS, AFGHAN CONCERN
IS LIMITED TO MAKING CLEAR THAT SUBJECT OF AGREEMENT IS
LIMITED TO TRAINING PROVIDED BY USG ON GRANT BASIS UNDER
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INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM
(IMET), WE WOULD PREFER THAT INTRODUCTORY LANGUAGE BE
REVISED TO READ AS FOLLOWS; QUOTE I HAVE THE HONOR TO
REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF
OUR TWO GOVERNMENTS CONCERNING NEW REQUIREMENTS ESTABLISHED

BY THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT

CONTROL ACT WITH RESPECT TO TRAINING FURNISHED ON A GRANT BASIS UNDER THE UNITED STATES INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM, AND RELEVANT TO AFGHANISTAN INsofar AS AFGHANISTAN RECEIVES SUCH TRAINING. WITH RESPECT TO SUCH TRAINING, THE GOVERNMENT OF AFGHANISTAN ACCORDINGLY AGREES THAT IT WILL OBSERVE THE FOLLOWING; UNQUOTE.

(A) ACCEPTABLE WITHOUT CHANGE.

(B) WORDS QUOTE TO FACILITATE BENEFICIAL SECURITY OPERATIONS UNQUOTE ARE INACCEPTABLY VAGUE AND LEND THEMSELVES TO SERIOUS MISINTERPRETATION. TERM QUOTE INTERNAL SECURITY UNQUOTE WOULD APPEAR TO MEET AFGHAN NEEDS AND CORRESPONDS TO ONE OF AUTHORIZED PURPOSES FOR WHICH DEFENSE ARTICLES AND DEFENSE SERVICES MAY BE FURNISHED BY USG UNDER US LAW, AND FOR THESE REASONS WOULD BE FAR PREFERABLE. ACCORDINGLY, LAST PORTION OF PARAGRAPH B SHOULD BE RECAST TO READ AS FOLLOWS; QUOTE SHALL NOT BE USED FOR PURPOSES OTHER THAN INTERNAL SECURITY, LEGITIMATE SELF-DEFENSE ACCORDING TO THE CHARTER OF THE UNITED NATIONS, OR SERVICES REQUESTED BY THE UNITED NATIONS. UNQUOTE.

(C) WORD QUOTE MANUALS UNQUOTE IN AFGHAN TEXT SHOULD BE DROPPED IN FAVOR OF WORD QUOTE MATERIALS UNQUOTE, AS FORMER MAY PROVE TOO NARROW IN CONTEXT OF PARTICULAR CONFIDENTIAL

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TRAINING COURSES. IN ADDITION, ALTHOUGH WE UNDERSTAND AFGHAN MISGIVINGS WITH RESPECT TO RETURN OF TRAINING MATERIALS, US LEGAL REQUIREMENTS ARE SUCH THAT WE CANNOT AVOID ISSUE IN AGREEMENT. WE BELIEVE, HOWEVER, THAT AFGHAN CONCERNS MAY BE MET BY INCLUSION OF FOLLOWING AT END OF PARAGRAPH (C): QUOTE AND, WHEREVER FEASIBLE, WILL BE OFFERED FOR RETURN TO THE UNITED STATES GOVERNMENT WHEN NO LONGER REQUIRED FOR THE PURPOSES FOR WHICH THEY ARE FURNISHED. UNQUOTE.

(D) OUR PRINCIPAL DIFFICULTY HERE IS LAST SENTENCE. IT IS ENTIRELY TRUE THAT WE DO NOT WISH TO IMPOSE CONTINUOUS OBSERVATION AND REVIEW REQUIREMENTS THAT ARE UNACCEPTABLE TO AFGHANS. NEVERTHELESS, LANGUAGE OF LAST SENTENCE SUGGESTS THAT GOA VIEW OF WHAT CONSTITUTES ADEQUATE OBSERVATION AND REVIEW IS CONTROLLING, AND WE ARE CONCERNED THAT IF RETAINED IN AGREEMENT THERE IS SUBSTANTIAL RISK OF SUBSEQUENT MISUNDERSTANDING OF LEGAL CONSEQUENCES OF FAILURE TO DEVELOP MUTUALLY ACCEPTABLE ARRANGEMENTS FOR SUCH OBSERVATION AND REVIEW. ACCORDINGLY, LAST SENTENCE OF PARAGRAPH (D) SHOULD BE DROPPED.

(E) WHILE WE ARE PREPARED TO ACCEPT PARAGRAPH (E),
AFGHANS SHOULD BE MADE AWARE THAT WE BELIEVE THAT THAT
PARAGRAPH COULD BE DELETED WITHOUT AFFECTING RIGHTS OR
OBLIGATIONS OF EITHER PARTY UNDER AGREEMENT. PURPOSE
OF AGREEMENT IS TO SATISFY CERTAIN PRECONDITIONS ON
ABILITY OF USG TO FURNISH GRANT MILITARY EDUCATION AND
TRAINING TO GOA. AGREEMENT WOULD NEITHER BIND USG TO
PROVIDE SUCH TRAINING NOR THE GOA TO ACCEPT IT, AND WE
WOULD NOT CONSTRUE IT AS SO DOING. IF GOA NONETHELESS
WISHES TO RETAIN PARAGRAPH (E), WE WOULD REQUEST FOR
CLARITY'S SAKE THAT WORDS QUOTE FINDING THE AFOREMEN-
TIONED PROCEDURE UNQUOTE BE DROPPED IN FAVOR OF WORDS
QUOTE FINDING THE MUTUALLY ACCEPTABLE PROCEDURE PROVIDED
FOR IN PARAGRAPH (D) OF THIS AGREEMENT UNQUOTE.
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3. AUTHORIZATION TO CONCLUDE EXCHANGE OF NOTES WILL
FOLLOW UPON AGREEMENT ON FINAL TEXT AND APPROVAL BY
DEPARTMENT. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, PERSONNEL TRAINING, MILITARY ASSISTANCE PROGRAMS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE283626
Document Source: CORE
Document Unique ID: 00
Drafter: TABOREK:JD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770441-0139
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771112/aaaaajud.tel
Line Count: 140
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: cd451a10-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 KABUL 6386
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 16-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 429031
Secure: OPEN
Status: NATIVE
Subject: IMPLEMENTATION OF NEW STATUTORY CONDITION OF ELIGIBILITY FOR MILITARY ASSISTANCE AND TRAINING
TAGS: MASS, PFOR, AF, US
To: KABUL
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/cd451a10-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009